

11

LUC-296/Foss 1-8-25-5

Remarks

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. By this amendment, claims 1-2, 8 and 13 are amended and claims 28-38 are added. These amendments to the claims constitute a bona fide attempt by applicants to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification (e.g., page 7, lines 1-5, page 7, lines 11-14, page 8, lines 14-17, page 9, lines 1-8, page 10, lines 1-5, and page 10, lines 8-10), drawings (e.g., FIGS. 1-6), and claims and thus, no new matter has been added. Claims 1-38 are pending.

Interview on May 18, 2004:

The amendments herein follow a telephone conference between the Examiner and Robert J. Brill, applicants' attorney, and Joseph S. Hanasz, agent for applicants, on May 18, 2004 in which features of Czerwiec, et al. (U.S. Patent No. 6,314,102; "Czerwiec") and the claims, specification, and drawings were discussed. During the telephone conference, a discussion was held regarding the location of the splitter unit with respect to the plain old telephone service ("POTS") interface circuit.

- a. Applicants' attorney and agent kindly refer the Examiner to FIG. 1 of the present application. FIG. 1 illustrates a splitter unit 934 directly connected to a POTS interface circuit 148.
- b. Applicants' attorney and agent refer the Examiner to FIG. 2 of Czerwiec. FIG. 2 of Czerwiec illustrates a low pass filter 40, a CO Switch 46, and a line 50. The line 50 connects the low pass filter 40 with the CO Switch 46. The applicants' attorney and agent kindly offer that the line 50 serves as an external connection between the low

pass filter 40 and the CO Switch 46. The applicants' attorney and agent refer the Examiner to language in claim 1 of the present application directed to the direct connection between the splitter unit and the POTS interface circuit. The applicants' attorney and agent specifically identify the word "directly" in the language of claim 1 and state that Czerwiec fails to disclose a direct connection between the low pass filter 40 and the CO Switch 46.

- c. The Examiner states that he sees that the splitter unit is directly connected to the POTS interface circuit. The Examiner kindly refers back to FIG. 2 of Czerwiec. The Examiner offers that FIG. 2 provides support for a first embodiment of the invention of Czerwiec in which, the low pass filter 40 is within the ADSL shelf section 34 and the CO Switch 46 is located outside of the ADSL shelf section 34. The Examiner offers that column 10, lines 61-64 provides support for a second embodiment of the invention of Czerwiec in which the ADSL shelf section 34 and the CO Switch 46 are located within the same central office.
- d. The applicants' attorney and the agent refer to column 10, lines 60-65 of Czerwiec. The applicants' attorney and the agent offer that the ADSL shelf section 34 and the CO Switch 46 may be within the same central office, but that Czerwiec fails to disclose a direct connection between the ADSL shelf section 34 and the CO Switch 46. The CO Switch 46 and the rack may be within the same central office, but they are not directly connected.
- e. The Examiner indicated that an amendment to include limitations that describe the connection between a protector of the central office and the splitter unit, as illustrated

13

LUC-296/Foss 1-8-25-5

in FIG. 1 of the present application, would render the claims novel over the art of record.

Although positive discussion was had, an agreement was not reached in regards to the location of the splitter unit with respect to the POTS interface circuit. The time and courtesy afforded applicants' attorney and agent as well as the positive discussion and above-listed agreements reached, are gratefully acknowledged by applicants.

In addition, applicants have amended the independent claims 1 and 13 presented herewith to recite limitations analogous to the limitation the Examiner indicated would render claims 1 and 13 novel over the art of record. Applicants have also added claims 28-38 in light of above-noted amendments to claims 1 and 13.

Claim Rejections - 35 U.S.C. §§102 and 103:

Claims 1-24 and 26-27 are rejected under 35 U.S.C. §102(e) as being anticipated by Czerwiec, et al. (U.S. Patent No. 6,314,102; "Czerwiec"). Claim 25 is rejected under 35 U.S.C. §103(a) as being unpatentable over Czerwiec. These rejections are respectfully, but most strenuously, traversed.

It is well-settled that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function. Since the applied reference is missing at least one element of each of applicants' independent claims, applicants respectfully submit that the claimed invention is not anticipated by the applied reference, as further discussed below.

Applicants respectfully submit that the applied reference, with or without combination, assuming, *arguendo*, that the combination of the applied reference is proper, does not teach or suggest one or more elements of the claimed invention, as further discussed below.

For explanatory purposes, applicants discuss herein one or more differences between the applied reference and the claimed invention with reference to one or more parts of the applied reference. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the applied reference correspond to the claimed invention.

Applicants respectfully submit that the applied reference does not teach or suggest one or more elements of the claimed invention. A careful reading of the applied reference fails to teach or suggest, for example, a protector that is located in the central office and electrically connected to a cable that comprises a connector that is electrically connected with a connector of the splitter unit, as discussed during the Interview on May 18, 2004.

Upon careful review of Czerwiec, simply missing is any mention of a protector that is located in the central office and electrically connected to a cable that comprises a connector that is electrically connected with a connector of the splitter unit.

So, Czerwiec fails to satisfy at least one of applicants' claim limitations.

Furthermore, the Office Action does not allege that the art of record provides any teaching, suggestion, or incentive for modifying Czerwiec to provide the claimed configuration. Applicants respectfully submit that these documents fail to provide the express teaching, suggestion, or incentive, and the claimed invention is thus patentable over the art of record.

For all the above reasons, the independent claims presented herewith are believed neither anticipated nor obvious over the art of the record. The dependent claims are believed allowable

15

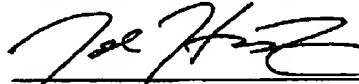
LUC-296/Foss 1-8-25-5

for the same reasons as the independent claims, as well as for their own additional characterizations.

Withdrawal of the §§102 and 103 rejections are therefore respectfully requested.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



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